

Replied

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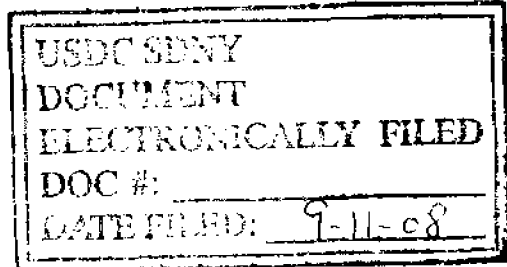
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :
Fosamax Products Liability Litigation :
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1:06-md-1789 (JFK)

This Document Relates to: :
Francis Finch, et al. :
v. Merck & Co., Inc. :
:

Case No: 1:07-cv-9481-JFK :
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STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs in the above-captioned case and Defendant Merck & Co., Inc., ("Merck") through their respective undersigned counsel, as follows:

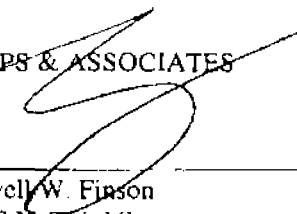
1. This case having been resolved upon the agreement of the Plaintiffs in the above-captioned case to voluntarily dismiss with prejudice their claims against Merck and the agreement of Merck not to seek from Plaintiffs its fees and costs. The following Plaintiffs are hereby dismissed from the above-captioned case with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(ii):

Dale Bartley and Colleen Bartley, husband and wife;
Janice Miller and Frederick Miller, wife and husband;
Angie Morales; and
Regina Pilchik and Saul Pilchik, wife and husband.

2. Each party is to bear its own costs and attorneys' fees.

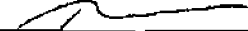
Dated: ^{September 9,}
~~August~~, 2008

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SO ORDERED:


Hon. John F. Keenan

9/11/08